

United States District Court
for the District of Massachusetts
Boston Division

Joseph Marion Head junior - Plaintiff
vs.
Re: Related of Court Record, Defendants
Amendment to the Complaint

Now comes Joseph Marion Head junior
Reg. No. 17549056 - Plaintiff who
pro se amends the complaint
sent to this court in June 2005,

See Title 21 U.S.C. 851 and Sub
Sec.s thereof as was and was not
applied to Plaintiff's federal court
cases 4-98-CR-107, in accordance
with procedure due process, there
fore violative of due process and etc
rights and law. Making the
Federal Sentence illegal and
illegally imposed and as applies
ineffective assistance of counsel.
Strickland v Washington 1984.
U.S. Const. Amend. 5, 6, 8, 9, 14, 18 U.S.C.
3006A and sub Sec.s.

See the law and cases presented
etc. herein and apply all other cases
which applies to Title 21 U.S.C. 851 etc..

United States District Court
For The District of Massachusetts
Boston Division
To Each U. S. A. Federal Judge of Boston Division
Joseph Marion Head junios 17549-056
vs

As Related of This Courts Court Records
Prior and Present And As Related
of Other Federal Courts Court Records

Amendment
To Each and all of Plaintiffs Filings.

Comes Now, Joseph Marion Head junios
17549-056 who himself pro se
presents to this Court this Amend-
ment to the Records of Plaintiffs
Filings Prior and Present.

Ground No. 1

Violative of the Laws and Constitution of
of The United States and the State of
North Carolina and Plaintiffs Rights Etc
Thereof Plaintiff was Denied and
Deprived of Said Rights and Privileges
as appears of Prison and Court Records
and as Related and asserted Within
Prison and Court Records, further as it
and was Known By Governmental Employee
s and Inmates of the United States and
North Carolina.

Ground No. 2

civil rights act law-suit for money damages for unlawful conviction
Unlawful Conviction of Head.

conviction of 74CR2403 was illegally and unconstitutional obtained because of violations of Head's rights to counsel, etc.,

In proceedings at which the constitutional right to counsel applies, a judge may not allow a criminal defendant to proceed pro se unless the judge has advised the defendant of the dangers and disadvantages of self representation and the judge has determined that the waiver of right to counsel is being made knowingly and intelligently, *Tarreets v California*, 422 U.S. 806, 835 (1975) See also *McKaskle v Wiggins* 465 U.S. 168 (1984) *United States v Taylor* and *United States v Cash*, cited in Head's court records.

Father Head told Judge Bailey, that if Mr. Dummy was the best attorney the court would give him, he would represent his own self.

Head therefore had to make a choice between accepting incompetent counsel or representing his own self. This also violated Head's rights and the waiver of right to counsel was invalid etc because of same.

Head was not advised of the dangers and disadvantages of self representation.

Futher see all of Head's prison and court records as to each and all claims, grounds, errors, motions etc of Head's relating to each of his State and Federal Court Cases. And see each opinion, judgment and order relating to each of same and see who and what asserted and represented same as to each process etc relating to same. Futher see all prior relief and release asked for and demanded and the Courts judgments and orders thereto and reasons for each of same.

Bases on and relating to the aforesaid Plaintiff's rights was further violated also, See all Laws and Constitution of United States and the States Thereof, as applies to the aforesaid and asserted herein.

Relief Demanded Herein
Pro Se By Plaintiff vs,

- 1- Leave to Proceed in forma Pauperis
- 2- Appointment of Counsel
- 3- CM Court Evidentry Hearing With Plaintiff Present For Same.
- 4- A Jury Trial
- 5- Judgment of Default On Date Same Becomes Entitled, Without Being Required To Futher Move or Demand For Same.

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6 - Subpoena is issue to all persons involved in and relating to plaintiffs prior criminal and civil cases and commitments of plaintiff and all records etc relating to each case aforesaid and Docket Reports of all filings relating thereto the aforesaid and plaintiff herein.

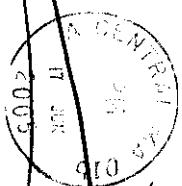
7 - The maximum amount of all relief prior demanded by plaintiff aforesaid which is authorized by law to be legally ordered be ordered herein to plaintiff pro se.

8 - Additional thereto the aforesaid herein orders to Plaintiff in building form worth a Zillion Dollars each, the full name of each and all members of plaintiffs personal family and each of plaintiffs children and their mothers and plaintiffs full name be builted in building form also completely around North and South Carolina as a complete wall around said states, so they will remember what was done to plaintiff forever and so will the United States. Each building aforesaid be for a different purpose and different type of Business, offices, Factories, Etc., U.S. Const. Amend. 5 and 14, N.C. Const. Art. 1 Section 19.

Signed, Joseph Marion Head junior 6-18-05

Joseph Marion Head, Senior
Reg. 17549056
N-5 Cell 524
Fed. Med. Center, Danvers
Post Office Box 879
Tyngsboro, MA. 01473-0799

Re: United States Federal Judge for the
United States District Court
John Joseph Moakely U.S. Courthouse
1-Courthouse Way, Suite 2300
Boston - Massachusetts 02101



6/21

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

June 16, 2005

Joseph Marion Head, Jr., Reg. No. 17549-056
N-5 Cell 524
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

I am returning the enclosed materials to you at this time because it is unclear whether you intended to file them in the district court or in an appeal pending before this court. This court is a court of appeals. Civil complaints should be filed in the district court. Further, it is unclear as to whether you are attempting to initiate an original proceeding in this court, and, if so, what sort of proceeding.

Sincerely,
Richard Cushing Donovan, Clerk

By:

Julie Gregg
Julie Gregg, Operations Manager

Enclosures

United States Federal District Court Judge Tawra
Enclosed Herewith is a Complaint I sent to the
Ct. App. 1 st. Cir. If you will, order same
filed in this court in forma pauperis based
on this courts records relating to Head hereof
and Order F. M. C. Devens to provide the Court
all additional information needed to include
a copy of Trust Fund For Past Six Months - Also
Appoint counsel to represent Head.
Signed, Joseph Marion Head/umis 17549-056
Date Mailed-6-22-05

U.S. Dist. Court in order that Court to file
and process etc. This complaint, in form and
Pauperis.

PRO SE

United States District Court
For the Ma. District of Massachusetts
Boston, Division

2005 JUL 15 AM 11:28

Joseph Marion Head Jr.
Plaintiff
Reg. No. 17549-056

Civil Case Number

Reference to
Criminal Case No.
See Court Records of
Henderson and Rutherford
County North Carolina

VS
United States of America
And The State of North
Carolina
Defendants

COMPLAINT

In Forma Pauperis or As Otherwise
Allowed and Ordered By The Court

STATEMENT OF COMPLAINT

This is a civil acts lawsuit for
damages for unlawful convictions
and or convictions not legally proven
to lawful, valid and final at the
time same was used to plaintiffs
prejudice to obtain greater sentence
against plaintiff base on enhancem
ents and or upward departures based
on said convictions aforesaid. See Title
21 U.S.C. 851 and Strickland v Washington 1984.

Complaint Page No. 2

JURISDICTION

The Court has jurisdiction herein pursuant to the provisions of law and constitution, Etc. As legally applies hereto and as may be legally applied hereto by the Courts of legal jurisdiction, Hereto and relating hereto.

PLAINTIFF

Plaintiff herein is Joseph Marion Head junior, Reg. Number, 17549-056, who is presently housed in the N-5 cell 514, F.M.C. Devens Located at Post office Box 879 - Ayer Massachusetts 01432

Plaintiff is in the custody of the Warden thereof who is, Mr. David R. Weiss and is also in the custody of the United States Attorney General by Court Orders of Federal Court, or

BACKGROUND OF PLAINTIFF AND HIS COURT CASES ETC.

Plaintiff refers the court to all known records and information etc relating to Plaintiff, prior, present, etc as to the complete background of Plaintiff and all relating to Plaintiff

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As if all of same was related herein
in proper order and form of same
as part hereof and or attached hereto
in proper order of same, as part hereof.

DEFENDANT'S

Defendants herein are, The United
States of America and the State of N.C.
Reference to Case Number 4-98-CR-102
United States America vs Joseph Marion Head Jr.
State of North Carolina
vs Joseph Marion Head junior case No. 73CR5057
74CR2403 - 74CR2403A, Etc. Case No. D.
State of
vs _____ Case No. _____

State of
vs _____ case No. _____

The United States Court of Appeals
Years Ago, Adjudged in a case that
Indigent litigants at law, proceeding
pro se are not required to prove
their claims and grounds in advance
of a full insurec evidency hearing.

Liberal Construction

That it is a well settled rule that

Complaint Page No. 4

pro se litigants generally are entitled to a liberal construction of their pleadings, etc., which should be read to raise the strongest arguments they suggest, Green vs United States, 260 F. 3d. 78, 83 (2d. Cir. 2001) Haines v Kerner, 404 U.S.C. 519 - 520 - 21 (1972 per curiam)

Plaintiff herein is a laymen at law and has had no professional training in law and is proceeding pro se without the assistance of a person trained in law, until the Court, appoints him counsel hereto, etc. 18 U.S.C. 30006 A, U.S. Const. Amend. 1, 4, 5, 6, 8, 9, 14 as applies hereto.

Plaintiff states that he dose not waive any rights nor privileges he legally has relating hereto, etc.

Plaintiff Pro Se Without Legal Assistance of A person professionally trained in law, asserts the legal grounds below,

Ground No. 1

Defendants herein failed to timely legally prove that plaintiffs prior convictions was legal and valid prior to using same to the prejudice

of plaintiff at Plaintiff's federal sentencing in case no. 4-98-CR-102

therefore the enhancement and or upward departure based on the aforesaid convictions is illegal and the aforesaid convictions is unlawful, etc.. See Title 21 U.S.C. 851 and sub secs and see all claims, grounds, etc., relating to the aforesaid prior convictions. Further See all other grounds asserted herein by plaintiff and all relating pereto by a court appointed counsel if the courts appoints same pereto.

Ground No. 2

Dare, Bookers, Janfan, Blakely and or Apprendee, cases of the U.S. Supreme Court apply to plaintiff's cases?

If so, How, so, if not, how and why not? Same is asked as to the Strickland v Washington case, 1984.

Plaintiff Demands The Relief Listed Herein Below To Be Legally Ordered To Him Pro Se.

- 1- Leave to Proceed Informa Pauperis or On Time Payments For Cost of Filing and Counsel.

complaint Page No. 7

On the _____ day of _____ 200_____.
Signed, _____ Reg. No. _____

Date Signed, _____ day of _____ 200_____.

No Copies of This Complaint was
made nor served. Head does not
have a copying card.

The Court must make and serve
same *in forma pauperis*

Order F.M.C. Devens Provide
the Court With A copy of Head's
Trust Fund For Past 31 years
etc. as ordered.

See all court record relating
to Head, as to his indigence
prior and present.

IN THE UNITED STATES DISTRICT COURT
FOR THE Boston, Ma DISTRICT OF Ma.

Joseph Marion Head Jr. Plaintiff,)
Reg. No. 17549-056,)
vs)
United States of America)
And)
North Carolina)
,)
Defendants.)

Case No. _____

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence, and for false imprisonment.

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Head Jr. Reg. No. 17549056, who is a Federal prisoner housed in the N-5 Cell 524, Federal Medical Center Devens located at P.O. Box 879 - Ayer, Massachusetts - 02210.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David Z. Winn, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) U. S. A., Title _____,

Address _____

(2) North Carolina, Title State of U.S.A.,

Address _____

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had **no professional** training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § ^{30006(A)} 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

74CR2403,
74CR2403A,

The convictions obtained in case no. 4-98-CR-102, (Fed.) was obtained in violation of the laws or Constitution of the United States or of the State of N. C. in the in the ways related herein below and for the reasons stated herein below:

1. As prior related and asserted, etc. within the State and Federal Prison and Court Records Relating To Plaintiff State and Federal Court Cases.
2. Trial, Conviction, Sentence, of or By An incompetent Person, Place or Thing, violates Due Process and Other Rights Etc. And All Relating To Plaintiff's Cases, Etc. Was Not Proven Competent.
3. Plaintiff is and was incompetent and so ineffective in law, it is and was a denial and violations of Plaintiff's rights to allow or force plaintiff to represent his own self in The Past 31 years in custody.

GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851.

GROUND 3: U.S. Supreme Ct. Cases, Booker, Fanfan, Blakely, Apprendie and Strickland v Washington 1984, As Applies To Plaintiffs State And Federal Cases And As May Be Applied To Said Cases of Plaintiff.

GROUND 4: Plaintiffs State and Federal Convictions and Sentences Was Illegal, Etc. based on the representation received and not received in the past 31 years, etc. as applies.

GROUND 5: Plaintiff is illegally committed - 18 U.S.C. 4245(d) and was denied, deprived of due process and equal protection of law and effective assistance of counsel. See Prison, Ct, Rec.

RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidenrty hearing with the Plaintiff present for same.

4. Subpoeina's issued to the below persons:

1. Name: Joseph Marion Hough Address: Z. M. C. Devens - P. O. Box 879 - Ayer - Ma. 01432.
2. Name: Each Govt. Employee Address: Relating to Plaintiff's cases

3. Name: Each Person Relating To Plaintiff's Cases, Address: _____

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Head Jr Reg. No. 17549-056

Address: N-5 Cell 524, F. M. C. Devens, P. O.

Box 879 - Ayer - Massachusetts - 01432

CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr, Reg. No. 17549-056, state that on the 11 day of June, 2005, I sent to the Court:

U.S. D.C. Judge - Tauri located at John Joseph Monahan
U.S. Ct. house - 1 Courthouse Way Suite 2300 - Boston - Ma. 02210
the original and (0) copies of the foregoing complaint and I also sent a copy of said complaint to the Attorney General of the United States, at: None

and to, None

Signed Joseph Marion Head Jr Reg. No. 17549-056

on this the 11 day of June, 2005.

Plaintiff has no copies of this complaint, not even one for himself. The Court will have to make and serve all required copies of this complaint and send Plaintiff a filed copy of same for his record etc of same.

The Court must review Plaintiff's prior and court records for the past 31 years to determine therefrom the indigence etc of Plaintiff, to allow Plaintiff to proceed in forma pauperis and to appoint counsel etc; and to give Plaintiff a copy of all known records etc relating to him and his cases etc.

In The United States District Court
for The Boston District of Massachusetts
Boston Division

Joseph Marion Head Jr.
Reg. No. 17549-056
Plaintiff

VS

United States of America
And
State of North Carolina
Defendant

civil Case Number

Complaint
In Forma Pauperis

This is a civil rights act law suit
for damages, United States Circuit, for the
unlawful conviction and sentence
of case no. Related Herein from North
Carolina and for the false imprison-
ment thereby and relating thereto.

Jurisdiction

The Courts Has Legal jurisdiction
Herein, pursuant to the Provisions of
Laws and Constitution of The United
States of America and The States Thereof
As Legally Applies Hereto And As May Be
Legally Applied Hereto, By The Courts Etc.,

Complaint Page No. 2

Plaintiff

Plaintiff herein is, Joseph Marion Head Jr. Reg. Number, 17549-C-86, who is presently housed in, X-5 Cell 524, Ted-Med. Center Devens Located At Post Office Box 879 - Ayer - Massachusetts - 01432.

The Warden thereof is, Mr. David L. Winn. Plaintiff is in the custody of the aforesaid Warden and the Attorney General of the United States of America, By Orders of Courts.

Backgrounds of Plaintiff and Plaintiff's Prison and Court Records, Cases, Etc. as Related in The Prison and Court Records and Etc. Records of and Relating to Plaintiff As Known of and Learned of Relating Hereto. The Court is heretofore referred to all said records etc and to the contents of each of same as if same was related and stated herein in proper order and form of same which plaintiff cannot do himself because he does not have a copy of same, etc. necessary to do so. Order the Defendants To Exclude all the Aforesaid in their answers etc hereto and relating hereto.

Defendants

Defendants Herein is the United States of America and State of, North

Complaint page Number 4

The grounds asserted herein are related by plaintiff without legal assistance of a person professionally trained in law and plaintiff is a Layman at law and has had no professional training in law, thus the court must afford to plaintiff a liberal construction as to each ground etc. herein and etc of court records and prison records relating to plaintiff.

Grounds Asserted Herein

Ground Number 1

The conviction obtained in the case of, case No. 74CR 2403, case no. — 74CR 2403 A, case no. 73CR 5057 case no. 4-98-CR-102 (8th), was obtained in violation of the laws or constitution of the United States or of the state of North Carolina, in the way's, etc., as related herein below.

Case No. 74CR 2403-74CR 2403A

1- The reasons etc, as prior related and asserted relating to this case and see any and all changes in law etc. that relates and applies thereto.

2- The representation received and not received in the past and present relating to this cases, which was ineffect ive according to laws etc which legally applies thereto presently, etc..

complaint page No. 5

3- Plaintiff being allowed to and forced to represent his own self and the courts having knowledge that Plaintiff was incompetent in law and as to knowledge of law and legal skills necessary for an effective defense and representation and the courts etc. at no time informed and advised Plaintiff of the disadvantages and dangers etc of self representation.

4- Convictions and trials etc of or by an incompetent person etc violates due process and this law does not stop at the trial or pretrial levels of the judicial systems. It applies until final adjudication by the court of last resort and the Human Rights Courts and World Courts.

5- The reasons of the jurors for their verdicts of guilty is not stated within the court records nor elsewhere, therefore it is unknown whether or not said reason was legal and valid at the time of the verdicts returned. Burden of proof was on the Government's attorneys to timely and legally prove said reasons and said verdicts legal and valid and not violative of law nor rights, privileges of the Plaintiff hereto. Where the record is silent, judgment must be in favor of criminal defendant, civil Plaintiff.

Ground No. (2)

Each of Plaintiffs state and federal sentences was illegal, etc. as appears and related and asserted prior hereto, within the prison and court records.

Ground No. (3)

Based on all the aforesaid herein and of prison and court records, plaintiff is and was falsely imprisoned and or kidnaped by judicial processes and or relating thereto.

See Prison And Court Records as to all Relief Prior Demanded By Plaintiff which is demanded again hereby.

Signed, Joseph Marion Head, Jr. 6-11-05 Date Mailed 6-11-05

Inmate Inquiry			
Inmate Reg #:	17549056	Current Institution:	Devens FMC
Inmate Name:	HEAD, JOSEPH	Housing Unit:	N SOMP
Report Date:	06/14/2005	Living Quarters:	N05-524L
Report Time:	3:34:59 PM		
General Information		Account Balances	
Commissary History		Commissary Restrictions	
Comments			

General Information

Administrative Hold Indicator: No
 No Power of Attorney: No
 Never Waive NSF Fee: No
 Max Allowed Deduction %: 100
 PIN: 5438
 FRP Participation Status: ExemptTmp
 Arrived From:
 Transferred To:
 Account Creation Date: 2/15/2002
 Local Account Activation Date: 7/1/1991

Sort Codes:
 Last Account Update: 6/9/2005 12:33:18 PM
 Account Status: Active
 ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
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Account Balances

Account Balance: \$19.63
 Pre-Release Balance: \$0.00
 Debt Encumbrance: \$18.12
 SPO Encumbrance: \$0.00
 Other Encumbrances: \$0.00
 Outstanding Negotiable Instruments: \$0.00
 Administrative Hold Balance: \$0.00
 Available Balance: \$1.51
 National 6 Months Deposits: \$874.70
 National 6 Months Withdrawals: \$855.77
 National 6 Months Avg Daily Balance: \$59.82
 Local Max. Balance - Prev. 30 Days: \$45.53
 Average Balance - Prev. 30 Days: \$22.23

Commissary History

Purchases

Validation Period Purchases: \$35.71
YTD Purchases: \$507.94
Last Sales Date: 6/9/2005 12:33:18 PM

SPO Information

SPO's this Month: 0
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: No
Spending Limit: \$290.00
Expended Spending Limit: \$16.10
Remaining Spending Limit: \$273.90

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
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Comments

Comments:

All Transactions

 PRINT

Inmate Reg #:	17549056	Current Institution:	Devens FMC
Inmate Name:	ELUAD, JOSEPH	Housing Unit:	N SOMP
Report Date:	06/14/2005	Living Quarters:	N05-5211
Report Time:	3:35:10 PM		

<u>Date/Time</u>	<u>User Id</u>	<u>Transaction Type</u>	<u>Amount</u>	<u>Ref#</u>	<u>Payment#</u>	<u>Balance</u>
6/9/2005 12:33:18 PM	DEV3009	Sales	(\$25.90)	53		\$19.63
6/6/2005 10:44:01 AM	DEV0002	Debt Encumbrance	(\$2.68)	5DEV036 - 310		
6/6/2005 10:44:01 AM	DEV0002	Debt Encumbrance	(\$2.68)	5DEV034 - 309		
6/6/2005 10:44:01 AM	DEV0002	Payroll - IPP	\$13.44	5JV107		\$45.53
6/3/2005 10:41:02 AM	DEV2006	Debt Encumbrance	(\$6.38)	5DEV036 - 304		
6/3/2005 10:41:02 AM	DEV2006	Debt Encumbrance	(\$6.38)	5DEV034 - 303		
6/3/2005 10:41:02 AM	DEV2006	Local Collections	\$31.90	109		\$32.09
6/2/2005 12:51:38 PM	DEV3010	Sales	(\$1.48)	41		\$0.19
6/2/2005 12:50:27 PM	DEV3010	Sales	(\$8.33)	40		\$1.67
6/1/2005 2:07:49 AM	AMSERVICE	PLRA Payment	(\$8.96)	5DEV034	822	\$10.00
6/1/2005 2:07:49 AM	AMSERVICE	Debt Encumbrance - Released	\$6.38	5DEV036 - 278		
6/1/2005 2:07:49 AM	AMSERVICE	Debt Encumbrance - Released	\$6.38	5DEV034 - 277		
6/1/2005 2:07:49 AM	AMSERVICE	Debt Encumbrance - Released	\$3.07	5DEV036 - 274		
6/1/2005 2:07:49 AM	AMSERVICE	Debt Encumbrance - Released	\$3.07	5DEV034 - 273		
5/26/2005 1:45:12 PM	DEV0003	Bills	\$0.00			\$18.96
5/5/2005 12:14:26 PM	DEV3008	Sales	(\$38.30)	29		\$18.96
5/4/2005 1:25:09 PM	DEV2006	Debt Encumbrance	(\$6.38)	5DEV036 - 278		
5/4/2005 1:25:09 PM	DEV2006	Debt Encumbrance	(\$6.38)	5DEV034 - 277		
5/4/2005 1:25:09 PM	DEV2006	Local Collections	\$31.90	099		\$57.26
5/4/2005 10:08:43 AM	DEV2006	Debt Encumbrance	(\$3.07)	5DEV036 - 274		
5/4/2005 10:08:43 AM	DEV2006	Debt Encumbrance	(\$3.07)	5DEV034 - 273		
5/4/2005 10:08:43 AM	DEV2006	Payroll - IPP	\$15.36	5JV093		\$25.36
5/1/2005 2:07:47 AM	AMSERVICE	PLRA Payment	(\$14.96)	5DEV034	749	\$10.00
5/1/2005 2:07:47 AM	AMSERVICE	PLRA Payment	(\$5.32)	5DEV036	748	\$24.96
5/1/2005 2:07:47 AM	AMSERVICE	Debt Encumbrance - Released	\$4.16	5DEV036 - 220		
5/1/2005 2:07:47 AM	AMSERVICE	Debt Encumbrance - Released	\$4.16	5DEV034 - 219		
5/1/2005 2:07:47 AM	AMSERVICE	Debt Encumbrance - Released	\$10.80	5DEV036 - 217		
5/1/2005 2:07:47 AM	AMSERVICE	Debt Encumbrance - Released	\$10.80	5DEV034 - 216		
4/14/2005 12:17:46 PM	DEV3010	Sales	(\$9.46)	48		\$30.28
4/8/2005 2:00:14 PM	DEV0003	Bills	(\$66.30)		672	\$39.74
4/7/2005 1:02:23 PM	DEV3010	Sales	(\$40.70)	56		\$106.04
4/5/2005 10:22:50 AM	DEV2007	Debt Encumbrance	(\$4.16)	5DEV036 - 220		
4/5/2005 10:22:50 AM	DEV2007	Debt Encumbrance	(\$4.16)	5DEV034 - 219		
4/5/2005 10:22:50 AM	DEV2007	Payroll - IPP	\$20.84	5JV081		\$146.74
4/5/2005 7:17:40 AM	DEV2007	Debt Encumbrance	(\$10.80)	5DEV036 - 217		
4/5/2005 7:17:40 AM	DEV2007	Debt Encumbrance	(\$10.80)	5DEV034 - 216		
4/5/2005 7:17:40 AM	DEV2007	Local Collections	\$54.00	086		\$125.90
4/1/2005 2:07:37 AM	AMSERVICE	PLRA Payment	(\$14.29)	5DEV034	634	\$71.90
4/1/2005 2:07:37 AM	AMSERVICE	PLRA Payment	(\$14.29)	5DEV036	633	\$86.19
4/1/2005 2:07:37 AM	AMSERVICE	Debt Encumbrance - Released	\$3.49	5DEV036 - 176		
		Debt Encumbrance -		5DEV034 -		

4/1/2005 2:07:37 AM	AMSERVICE	Released	\$3.49	175	
4/1/2005 2:07:37 AM	AMSERVICE	Debt Encumbrance -	\$10.80	5DEVD036 -	
		Released		169	
4/1/2005 2:07:37 AM	AMSERVICE	Debt Encumbrance -	\$10.80	5DEVD034 -	
		Released		168	
3/21/2005 5:52:14 PM	DEV3008	Sales	(\$34.40)	57	\$100.48
3/14/2005 5:51:33 PM	DEV3008	Sales	(\$21.80)	97	\$134.88
3/7/2005 12:43:51 PM	DEV3008	Sales	(\$35.40)	34	\$156.68
3/7/2005 10:21:25 AM	DEV2006	Debt Encumbrance	(\$3.49)	5DEVD036 -	
				176	
3/7/2005 10:21:25 AM	DEV2006	Debt Encumbrance	(\$3.49)	5DEVD034 -	
				175	
3/7/2005 10:21:25 AM	DEV2006	Payroll - IPP	\$17.46	5JV068	\$192.08
3/4/2005 12:50:56 PM	DEV0002	Court Fees	(\$255.00)		534
					\$174.62

| 2

IN THE UNITED STATES DISTRICT COURT

FOR THE _____ DISTRICT OF _____

Joseph Mainen Head Jr.,)
Plaintiff,)
Reg. No. 17544-056,)
vs) Case No. _____
United States of America)
And)
State of North Carolina)
,)
Defendants.)

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence, *and for false imprisonment.*

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, *Joseph Mainen Head Jr.* Reg. No. 17544-056, who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Devens located at Post office Box 879 Ayer - Massachusetts - 01432. Plaintiff is in the custody of the Warden of the aforesaid institution, who is *David L. Winn*, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) United States of America Title _____,
Address United States of America - United States
Department of Justice - Washington - D.C. 20543
(2) State of North Carolina Title State of U.S.A.,
Address North Carolina Attorney General - N.C.
Department of Justice - Raleigh - N.C. 27602.

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 38006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

IN FORMA PAUPERIS DECLARATION

U. S. D. Ct. Boston Massachusetts

[Insert appropriate court]

Joseph Marvin Hearst, Jr., DECLARATION IN SUPPORT
(Petitioner) OF REQUEST
U. S. A. - v. C. TO PROCEED
(Respondent(s)), Defendant, IN FORMA PAUPERIS

I, Head, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes No

a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.

Less than \$20,00 per month, 2. m. c. Devens
S. Dept.

b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?

Yes No

b. Rent payments, interest or dividends?

Yes No

c. Pensions, annuities or life insurance payments?

Yes No

d. Gifts or inheritances?

Yes No

e. Any other sources?

Yes No

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

for a friend and V. A. Benefits and gifts
from a brother.

3. Do you own cash, or do you have money in checking or savings account?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned. Less

than \$21,00

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No et. al. Denies the Relief Prior thereto.

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. None

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on 6-14-05 (date).

Joseph Marvin Hearst Signature of Petitioner Plaintiff

Certificate

I hereby certify that the movant herein has the sum of \$ 19.63 on account to his credit at the FMC Devens institution where he is confined.

I further certify that petitioner likewise has the following securities to his credit according to the records of said _____ institution:

Janet L. Bonilla-Cornwell
Authorized Officer of Institution

(Amended, effective August 1, 1982; effective December 1, 2004.)

IN THE UNITED STATES DISTRICT COURT

FOR THE Ma. DISTRICT OF Ma.

Joseph Marion Head Jr.)
Plaintiff,)
Reg. No. 17549-056,)
vs) Case No. _____
United States of America)
And)
North Carolina)
,)
Defendants.)

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence.

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Head Jr. Reg. No. 17549056 who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Devens located at Post office Box 879-Ayer-Ma. 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Winn Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) United States of America Title U/K,
Address United States Attorney General, United States Department of Justice - Washington - D.C. 20543
(2) North Carolina, Title State of U.S.A.,
Address North Carolina Attorney General, N.C. Dept. of Justice - Raleigh, North Carolina 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereto, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A
PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 74CR2403A was obtained in violation of the laws or Constitution of the United States or of the State of N.C. in the in the ways related herein below and for the reasons stated herein below:

1. The conviction was obtained based on false or perjured testimony of Victim Or based on said testimony not proven not to be false or perjured.
2. The prosecutor failed to legally prove that Plaintiff knowingly and deliberately violated N.C.G.S. 14-177 at the time of the offense in 74CR2403A.
3. The prosecutor failed to legally prove the elements of the offense charged in 74CR2403A and See N.C. State (V) Whitmore 1969

GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851.

GROUND 3: The Federal Sentences of Plaintiff was not based on a legal and valid conviction as prior related etc within the prison and court records of Plaintiff.

GROUND 4: See each and all of prison and court records related and asserted relating to each of Plaintiff's court cases etc. relating thereto.

GROUND 5: Violative of Laws, Constitutions and Plaintiff's rights Plaintiff is and was denied and deprived of liberty and property and related. See Prison, Ct. Rec..

RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidenrty bearing with the Plaintiff present for same.
4. Subpoeina's issued to the below persons:

1. Name: Ex. Person Relating To Each case of Plaintiff, Address: _____

2. Name: Each Record Relating to each of Plaintiff's Cases, Address: _____

3. Name: Each Grand Jury Relating To Plaintiff's Cases.
Address:

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Haaf Jr. Reg. No. 17549-056

Address: N-5 Cell 524 Y.M.C. Devers, P.O.
Box 879 Ayer - Ma. 01432

CERTIFICATION OF SERVICE

I, Joseph Marion Haaf Jr. Reg. No. 17549-056 state that on the 14 day of June, 2005, I sent to the Court: U.S. Ct. in Boston located at Massachusetts

the original and (0) copies of the foregoing complaint and I also sent a copy of said complaint to the Attorney General of the United States, at: Not Sent, Due To Indigence and Lack of any copies of the complaint and to, Not Sent - Due To Indigence, and lack of any copies of the complaint.

Signed Joseph Marion Haaf Jr. Reg. No. 17549-056

on this the 15 day of June, 2005.

Grant and Order Plaintiff allowed to Proceed In Forma Pauperis Bases on this Courts Records of Plaintiff Prior and Present to include another complaint Rec 74CR2403, Sent to This Court n b - 14 - 05.

The Court must make and serve all required copies of this complaint to assure same is mailed and because of the aforesaid reasons.

IN THE UNITED STATES DISTRICT COURT
FOR THE Boston-Ma. DISTRICT OF Massachusetts

Joseph Marion Head Jr.)
Plaintiff,)
Reg. No. 17549-056)
vs) Case No. _____
United States of America)
And)
State of North Carolina)
,)
Defendants.)

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence, and for false imprisonment.

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Head Jr. Reg. No. 17549-056, who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Devens located at Post office Box 879-Ayer, Massachusetts-01432. Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Wein, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) United States of America, Title _____,
Address C/o, U.S. Attorney General - U.S. Dept. of Justice
- Washington - D.C. 20530

(2) State of North Carolina, Title State of U.S.A.,
Address C/o - N.C. Attorney General - N.C. Dept.
of Justice - Raleigh - North Carolina - 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 160 F.3d 78, 33 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1971 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentiary hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUND'S ASSERTED HEREIN BY PLAINTIFF

**PRO SE WITHOUT LEGAL ASSISTANCE OF A
PERSON PROFESSIONALLY TRAINED IN LAW**

GROUND 1:

74CR2403 -
74CR2403A,

The convictions obtained in case no. 4-98-CR-102 (Ged.) was obtained in violation of the laws or Constitution of the United States or of the State of No. C. in the in the ways related herein below and for the reasons stated herein below:

1. The Reasons of The Jurors For Their Verdicts Was Not Stated Nor Wrote on The Records Nor To The Court. Therefore It Is Unknown Whether Or Not Same Was Legal, Valid.
2. The Conviction Was Obtained Based On False Or Perjurer Testimony Or Testimony Not Proven To Be Not False Or Perjurer. Witnesses Not Advised of Their Rights Nor Plaintiff's Rights.
3. Each and All Opinions, Judgements, Orders, of The Courts, Etc. Was Not Proven To Be Legal And Valid And Final, Prior to Using The Conviction To Plaintiff's Prejudice In Federal and/or State Courts, Etc. --

GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851.

GROUND 3: U.S. Supreme Court Cases, Booper, Tanfan, Blakely, Apprendie and Strickland v Washington, 1984. As Apprendie and Strickland May Be Applied To The Plaintiff's Court Cases: And Its Relating Thereeto.

GROUND 4: The Law And Constitution And Human Right, As Applies And As May Be Legally Applied To Plaintiff's Court Cases And Etc. Relating Thereeto. See Court Records.

GROUND 5: The Sentences Were Not Imposed On Convictions Coven To Be Legal And Valid Therefore The Sentences Are Illegal And Consequently Invalid.

RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Form Pauperis
2. Appointment of counsel hereto
3. In court evidenrty hearing with the Plaintiff present for same.

4. Subpoeina's issued to the below persons:

1. Name: Each Gov. Employee, Relating To Each case of Plaintiff, Address: _____

2. Name: Each Person, Place, Thing, Relating To Each case of Plaintiff, Address: _____

3. Name: Each Prior Gov. Employee Relating To Each Of Plaintiffs Cases
 Address: _____

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Marion Head Jr. Reg. No. 17549-056

Address: N-5 Cell 524, F.M.C. Devens -

Post office Box 879 - Ayer - Massachusetts
-01432.

CERTIFICATION OF SERVICE

I, Joseph Marion Head Jr. Reg. No. 17549-056 state that on the 11 day of June, 2005, I sent to the Court:

U.S. D.C.T. - Boston Division located at John Joseph Moakley
U.S. Courthouse - 1 Courthouse Way - Suite 2300 - Boston - Ma. 02210
 the original and (0) copies of the foregoing complaint and I also sent a copy of said complaint to the Attorney General of the United States, at: Not Sent

and to, Not Sent

Signed Joseph Marion Head Jr. Reg. No. 17549-056

on this the _____ day of _____, 200 ____.

Plaintiff is unable to make and serve copies of this complaint himself. The Court will have to do so and to send plaintiff a filed copy. Further to ensure all copies are made and served.

The Court is referred to all prison and court records relating to Plaintiff for the past 31 years in custody, as to the indigence of Plaintiff and as to Plaintiff's entitlement to proceed in forma pauperis and for appointment of counsel, etc. 18 U.S.C. 30006A.
 Signed, Joseph Marion Head Jr. - 6 - 11 - 05

In The United States District Court
 For the Boston Massachusetts
Boston Division
 Emergency Motion Presented

<u>Joseph Marion Head junio</u> <u>Reg. No. 17549-056</u> <u>Movant,</u> <u>vs</u> <u>United States of America</u> <u>AND</u> <u>State of North Carolina</u> <u>AND</u> <u>Employees of Each Afo</u> <u>said</u> <u>Respondents</u>	<u>Re: Criminal, Fed.</u> <u>case Number -</u> <u>4-98-CR-102</u> <u>State - Each in North</u> <u>Carolina</u> <u>Fed. Civil Case Number</u> <u>Each As Appears in</u> <u>Federal Court Records</u> <u>of Each Federal Court</u>
---	--

Motion For Judicial Protection Against
 Acts, Persons, Places, and/or Things, That
 Violated, Violates, Violating Will or May
 Violate, Legal, Constitutional, civil or
 Human Rights or Privileges of Movant
 and/or Movants Children and/or their
 Mothers and/or girlfriends of Movant in
 The Past and/or Present and/or Movants
 Family or Other Persons Relating to Movant.

The court is heretofore referred to all
 persons, places and things relating to Movant
 and his criminal and civil court cases

Signed, Joseph Marion Head junio
 9-056 Date Mailed 6-16-05

TO EACH STATE AND FEDERAL COURT JUDGE, JUN.

U.S.A. (r) Head - 4-98-CR-102 and etc
State and Federal Cases Relating Thereto.

Complaint

18-28-42-U.S.C. As Applies Thereto, Also U.S., N.C., Court,
False Imprisonment Or Kidnapping Head,
On The Courts Own Action

Within the time required by law to correct
an illegal sentence, the courts did not
correct the illegal sentences of Head and
thereby depriving Head of his liberty with
out due process and equal protection of law
and constitution. See also, Title 21 U.S.C. 851
and the sub sec. 1 and Notes of Decisions
thereof. How was and dose said law and
notes apply to Head's cases and why?

Relief

Demanded To Be By Head

Lawful Court Release From Custody, Etc. and
900,000,000 Dollars Tax Free in U.S.A.
Currency and A Mansion builton in the shape
of Head's full name, Worth 100 Million Dollars
+ Free. Said Mansion be builton on top of the
Blue Mountains and Parkway and some
" Heads Privit Estate".

Head junio-6-26-05

United States District Court
For the District of Massachusetts
Boston Division

Joseph Marion Head junior
Reg. No. 17549-056
Plaintiff (Pro Se)
vs

United States of America
And The Employees Thereof
Liable Herein
Defendants

Civil Case No.

Reference To
U. S. A. (v) Head
And
N. C. (v) Head
And
Head(v) See Et. Rec.s
As To Who And What

This Complaint Is Informa Pauperis Unless
Otherwise Ordered And Allowed To
Pay Cost of Filing Fees, Legal Expenses, Etc.
In Small Timely Payments As Allowed
and Ordered By The Court Relating Hereto.

Complaint

This Is A Complaint For False Imprison-
ment Or Kidnapping By Judicial Processes
Or Relating To Judicial Processes As In The
Case Of Deprivation Of Liberty Without Due
Process And As Equal Protection Of Law
And Constitution And Human Rights.

Complaint Page No. 2

Jurisdiction

FD OFFICE

6-22-2005 P 12:46

The Court Has Legal jurisdiction Herein
Pursuant To The Provisions of Law And
Constitution Which Legally Applies Hereto
And Which May Be Legally Applied Hereto.
By The Courts, Etc. Relating Hereto.

Plaintiff

Plaintiff herein is, Joseph Marion Head
Junior, Reg. No. 17549-056, Who is housed
in N-5, cell 524 of Federal Medical Center
Devens, Located At, 42 Patton Road, (Post
office Box 879), Ayer, Massachusetts, 01432.
In The Custody of the Warden Thereof, Who Is
David L. Winn, Also In The Custody of
The United States Attorney General, By
court Orders.

Defendants

Defendants herein, is, the United States
of America And The Employees Thereof
Which Are Liable Herein And Relating
Hereto, As Determined By The Court
Relating Hereto.

Complaint Page No. 3

Background of Plaintiff and all of Plaintiff's Criminal and Civil cases and all relating to each of same to exclude all Prison and Etc. Records, Employees and Inmates, Etc. .

The Court is heretofore referred to all known records, etc. aforesaid, as if same was related herein in proper order and form of same and all contents of each of same related also.

Further the court is to determine the indigence of plaintiff, prior and present, from the courts review and finding of and from all of the aforesaid, for the purpose of determining whether or not Plaintiff is legally entitled to proceed in forma pauperis herein or otherwise as stated herein or ordered by the court. To exclude as to all cost for legal assistance, etc., postage, copying of records etc, legal material and law books, etc as needed, typing service for plaintiff, Etc. Cost, fee's.

From the background aforesaid the court make findings of fact as to the cause and pretents of plaintiff's custody and imprisonment, charges, etc. and the legality of same as well the constitutionality.

Complaint Page No. 4.

Plaintiff's Rights To A Liberal Construction

Plaintiff herein is a laymen at law, none versed in law and has had no professional training in law and is and was legally incompetent to represent his own self pro se as is evident and proof of same by the records and contents thereof relating to Plaintiff from 1973 forward and as the Courts Knows and Knows, the Trial, Conviction, Sentence, Etc. of an By An incompetent person, violates due process of law and other rights.

That it is a well settled that pro se litigants generally are entitled to a Liberal Construction of their pleadings, etc. which should be read to give raise to the strongest arguments they suggest. *Green vs United States* 260 F.3d, 78, 83 (2d. Cir. 2001) *Haines vs Kerner* 404 U.S.C. 519, 520-21 (1972 per curiam.)

Plaintiff ask and demands the liberal construction hereto and to all related herein and all to which same relates and applies to, to exclude the background stated herein and all related and asserted therein.

IN THE UNITED STATES DISTRICT COURT
FOR THE Boston Ma. DISTRICT OF Massachusetts

Joseph Marion Head Jr.)
Plaintiff,)
Reg. No. 17549-056)
vs) Case No. _____
United States of)
America)
_____,)
Defendants.)

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence. and for false imprisonment.

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Head Jr. Reg. No. 17549-056 who is a Federal prisoner housed in the N-5 cell 524 Federal Medical Center Devens located at Post office Box 879-Ayer-Ma. 01432.

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Weis, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) United States of America Title U. S. A.
Address U.S. Attorney General, U.S. Dept. of
Justice, Washington - D.C. 20543
(2) _____, Title _____,
Address _____

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A
PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 4-98CR102 was obtained in violation of the laws or Constitution of the United States or of the State of N/A in the in the ways related herein below and for the reasons stated herein below:

1. Each Claim, Etc. Prior Arrested With the Prison and Court Records Relating To Plaintiff, Prior And Present, Etc.
2. Ineffective Assistance of Counsel Pretrial, At Trial And Sentencing and On Appeal, Etc. See All Prison And Ct. Rec. Relating To Plaintiff
3. The Prosecutor Failed To Legally Prove That Plaintiff Deliberately and Knowingly Did Acts To Violate 18 U.S.C. 876 Not As charged in The indictment,

GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851.

GROUND 3: Booker, Zanfan, Blakely, Apprendie and Strickland v's Washington 1984, As Applies And As May Be Applied To Plaintiffs Cases.

GROUND 4: Plaintiffs Attorney Failed To Represent Plaintiff Prior Convictions To Prevent upward departure and enhancements Based On Same, And To Get A Lesser Sentence.

GROUND 5: Title 21 Section 851 and sub Sec.s was not applied in accordance with due process and equal protection of law in plaintiffs cases. Why?

RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidenrty hearing with the Plaintiff present for same.
4. Subpoeina's issued to the below persons:
 1. Name: Defense Att. Lorie, Address: 68 N. Market Street, Asheville, N. C. 28801.
 2. Name: U.S. Att. Who Tried Plaintiff

All Persons Relating To Plaintiffs Cases

3. Name: _____, Address: _____

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed *Joseph Marion Heaphy*, Reg. No. 17549-056

Address: N-5 Cell 524 F.M.C. Devens

Post office Box 879, Ayer - Ma. 01432

CERTIFICATION OF SERVICE

I, Joseph Marion Heaphy, Reg. No. 17549 056, state that on the 15 day of June, 2005, I sent to the Court:

U.S. D.C. located at Boston

Massachusetts 02210

the original and (0) copies of the foregoing complaint and I also sent a copy of said complaint to the Attorney General of

the United States, at: Not Sent due to Plaintiff's indigence and not having copy to send
and to, Not a copy for him self. The court
Must Make the copies and mail same.

Signed *Joseph Marion Heaphy*, Reg. No. 17549-056

on this the 15 day of June, 2005.

IN THE UNITED STATES DISTRICT COURT

FOR THE Boston DISTRICT OF Ma.

Joseph Head,)
Plaintiff,)
Reg. No. 17549-056,)
vs) Case No. _____
U.S.A. And N.C.)
And Employee of Each)
Liable Herein As)
Determined By The Court.)
Defendants.)

COMPLAINT

This is a civil rights act suit for damages for unlawful conviction and sentence.

JURISDICTION

The court has legal jurisdiction herein pursuant to the provisions of law and Constitution which applies hereto, to include 42 U.S.C. §§ 1981, 1983, 1984, 1985(3) and 1986; 28 U.S.C. §§ 1331, 1341, 1342, 1343, 2201 and 2202; and the Federal Rules of Civil Procedure Rule 57.

PLAINTIFF

Plaintiff herein is, Joseph Marion Head, Jr. Reg. No. 17549-056 who is a Federal prisoner housed in the N-5 Cell 524 Federal Medical Center Devens located at Post Office Box 879 Ayer - Massachusetts 01432

Plaintiff is in the custody of the Warden of the aforesaid institution, who is David L. Winn, Warden. Also, in the custody of the United States Attorney General.

DEFENDANTS

Defendants herein are as related below;

(1) United States of America Title United States of America
Address United States Attorney General, U.S. Dept.
Justice, Washington - D.C. 20543

(2) North Carolina Title A State of U.S.A.
Address North Carolina Attorney General - N.C.
Dept. Justice - Raleigh - North Carolina 27602

Plaintiff herein is proceeding pro se, without the legal assistance of a person trained in law and Plaintiff is a layman at law and has had no professional training in law and Plaintiff therefore respectfully moves the court for a liberal construction on and as to, all pleadings, claims, et c., herein and relating hereto.

That it is well settled that pro se litigants generally are entitled to a liberal construction of their pleadings, which should be read to raise the strongest argument they suggest. See: Green v. United States, 260 F 3d 78, 83 (2nd Cir. 2001), Haines v. Kerner, 404 U.S. 519, 520 - 21 (1972 per curiam).

Plaintiff's rights to counsel, legal assistance, et c., 18 U.S.C. § 3006(a) and et seq. thereof, U.S. Constitution Amendments Six and Fourteen. Plaintiff states that he does not waive this right to counsel, et c..

That the United States Court of Appeals for the Fourth Circuit prior, adjudged, that indigent laymen, (proceeding pro se) are not required to prove their asserted claims in advance of a full in court evidentry hearing.

The background of Plaintiff and his State and Federal Court cases and all related and asserted therein and relating thereto, is related within the prison and court records of and relating to Plaintiff, prior and present. Plaintiff does not himself have a copy of said records, therefore, cannot state the background herein and therefore refers the Court to said records as for the background of same and all related and asserted and demanded therein and relating thereto to include all opinions, judgements and orders of the courts, et c., thereto.

GROUNDS ASSERTED HEREIN BY PLAINTIFF

PRO SE WITHOUT LEGAL ASSISTANCE OF A

PERSON PROFESSIONALLY TRAINED IN LAW

GROUND 1:

The convictions obtained in case no. 73CR5057 was obtained in violation of the laws or Constitution of the United States or of the State of N. C. in the in the ways related herein below and for the reasons stated herein below:

1. Denial of a Speedy Trial By An Impartial Jury And Judge As Related And Asserted Prior In The State And Fed. Courts, Etc., Prisons, Etc.
2. Double Jeopardy as related and asserted prior in State, Fed. Courts And Prisons, Etc. There was two Different Verdicts in the same trial
3. Each and all Prisons Claims, Grounds, Errors, Motions, Related, Asserted Within the State and Federal Prisons and Court Systems and Courts.

*Blockburg
United States
1932
And Other Cases*

GROUND 2:

The federal sentences of Plaintiff are illegal in that they were enhanced based on an unlawful conviction not legally proven to be legal, valid, final, prior to using same to enhance Plaintiff's federal sentence and or to obtain an upward departure and a greater sentence based upon said unlawful prior convictions. See: Title 21 U.S.C. § 851.

GROUND 3: Ineffective assistance of counsel for not timely presenting all the aforesaid etc. to the trial Courts and appeals courts, Etc..

GROUND 4: Failed To Prosecute and Reprosecute Within the Time Required By Law and Constitution, 18 U.S.C. 3161, 3161(e), Strunk v United States 1973

GROUND 5: The Prosecution failed to prove criminal intent and knowingly and deliberately violated the law charges with and tried for and convicted of

RELIEF DEMANDED BY PLAINTIFF PRO SE

1. Leave to proceed In Forma Pauperis
2. Appointment of counsel hereto
3. In court evidenrty hearing with the Plaintiff present for same.

4. Subpoeina's issued to the below persons:

1. Name: Each Person involved in 73CR5057., Address: _____

2. Name: The Prosecutor and Trial Jury of 73CR5057., Address: _____

3. Name: Each Defense Attorney and Prosecutor, Address: _____

And N.C. Attorney Gen. Staff, involved.

5. Grant and Order to Plaintiff, the maximum relief and money, authorized by law, Constitution, relating hereto.

Signed Joseph Head, Reg. No. 17549-056

Address: N-5-Cell 524 - Fed. Med. Center

Revere, Post Office Box 879 - Ayer -
Massachusetts - 01432.

CERTIFICATION OF SERVICE

I, Joseph Head, Reg. No. 17549-056 state that
on the 15 day of June, 2005, I sent to the Court:
U.S. D. Ct. Boston Div. located at Boston
Massachusetts 02210

the original and (0) copies of the foregoing complaint and
I also sent a copy of said complaint to the Attorney General of
the United States, at: Not sent due to indigence
and lack of copies.

and to, Not sent. due to indigence and
lack of copies.

Signed Joseph Head, Reg. No. 17549-056

on this the 14 day of June, 2005.

This Court must make and serve the required
copies hereof to include plaintiff a copy filed.
This Complaint is in forma pauperis unless
otherwise ordered by the court requiring cost
of filing and counsel to be paid timely as
when plaintiff receives money, as did the
Court of Appeals i St. Cir. Prior hereto. See
that and this Courts Records of same.

U.S.D.O. Boston Ma.
IN FORMA PAUPERIS DECLARATION

[Insert appropriate court]

Joseph Marion Hearst Jr.
(Petitioner) PlaintiffU.S. A
v.
IN FORMA PAUPERIS
DEclaration IN SUPPORT
OF REQUEST
TO PROCEED

(Respondent(s)) Defendant

I, Hearst, declare that I am the petitioner in the above entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed? Yes No
 a. If the answer is "yes," state the amount of your salary or wages per month, and give the name and address of your employer.
less than \$10,000 monthly, Ed. Dept.
7 M.C. Boston.
 b. If the answer is "no," state the date of last employment and the amount of the salary and wages per month which you received.

2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or form of self-employment?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
b. Rent payments, interest or dividends?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
c. Pensions, annuities or life insurance payments?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
d. Gifts or inheritances?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
e. Any other sources?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

If the answer to any of the above is "yes," describe each source of money and state the amount received from each during the past twelve months.

V.A. Benefits, Prison job, Gifts from Brothers

3. Do you own cash, or do you have money in checking or savings account?

Yes No (Include any funds in prison accounts.)

If the answer is "yes," state the total value of the items owned.

less than \$21.00

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?

Yes No Courts denied Prior Relief

If the answer is "yes," describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support.

None

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on 6-15-05 (date).

Joseph Marion Hearst Jr.
Signature of Petitioner
Plaintiff

Certificate

I hereby certify that the movant herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined.

I further certify that petitioner likewise has the following securities to his credit according to the records of said _____ institution: _____

Authorized Officer of Institution

(Amended, effective August 1, 1982; effective December 1, 2004.)

Inmate Inquiry			
Inmate Reg #:	17549056	Current Institution:	Devens FMC
Inmate Name:	HED, JOSEPH	Housing Unit:	N SOMP
Report Date:	06-15-2005	Living Quarters:	NQS-524
Report Time:	6:00:46 PM		

[General Information](#) | [Account Balances](#) | [Commissary History](#) | [Commissary Restrictions](#) | [Comments](#)

General Information

Administrative Hold Indicator: No

No Power of Attorney: No

Never Waive NSF Fee: No

Max Allowed Deduction %: 100

PIN: 5438

FRP Participation Status: ExemptTmp

Arrived From:

Transferred To:

Account Creation Date: 2/15/2002

Local Account Activation Date: 7/1/1991

--

Sort Codes:

Last Account Update: 6/9/2005 12:33:18 PM

Account Status: Active

ITS Balance: \$0.00

FRP Plan Information

FRP Plan Type **Expected Amount** **Expected Rate**

Account Balances

Account Balance: \$19.63

Pre-Release Balance: \$0.00

Debt Encumbrance: \$18.12

SPO Encumbrance: \$0.00

Other Encumbrances: \$0.00

Outstanding Negotiable Instruments: \$0.00
 Administrative Hold Balance: \$0.00
 Available Balance: \$1.51
 National 6 Months Deposits: \$874.70
 National 6 Months Withdrawals: \$855.77
 National 6 Months Avg Daily Balance: \$59.92
 Local Max. Balance - Prev. 30 Days: \$45.53
 Average Balance - Prev. 30 Days: \$22.25

Commissary History

Purchases

Validation Period Purchases: \$35.71
 YTD Purchases: \$507.94
 Last Sales Date: 6/9/2005 12:33:18 PM

SPO Information

SPO's this Month: 0
 SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
 Weekly Revalidation: No
 Spending Limit: \$290.00
 Expended Spending Limit: \$16.10
 Remaining Spending Limit: \$273.90

Commissary Restrictions

Spending Limit Restrictions

.....
Restricted Spending Limit: \$0.00

Restricted Expended Amount: \$0.00

Restricted Remaining Spending Limit: \$0.00

Restriction Start Date: N/A

Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
-----------	-----------	------------	----------	--------	--------

Comments

Comments:

Continued, Page Three

records relating to identification of
the defendant's background, the content of his/her information
in said records, as well as any other information
pertaining to the form of identification, fingerprints,
photographs, and/or other, including his/her residence,
employment, including his/her place of work.

In the United Circuit Court of Appeals to Appeals Case,
Adjudged, the Court of Appeals, Raynor, Justice, holding
that 22, is not required to be given to the defendant
forounds, in evidence of a will, in-court identification
of him.

Plaintiff does not identify the defendant in his trial
call for identification and the court holding that he identified
himself. The court held that the identification was not
sufficient to satisfy the requirements of the law.

Plaintiff's argument is that the defendant's identification
is not sufficient to satisfy the requirements of the law
and that the defendant's identification is not sufficient
to satisfy the requirements of the law.

The defendant's identification

is not sufficient to satisfy the requirements of the law
and that the defendant's identification is not sufficient
to satisfy the requirements of the law.

OFFICE OF THE CLERK

UNITED STATES COURT OF APPEALS

FOR THE FIRST CIRCUIT

RICHARD CUSHING DONOVAN
CLERK

JOHN JOSEPH MOAKLEY
UNITED STATES COURTHOUSE
1 COURTHOUSE WAY, SUITE 2500
BOSTON, MA 02210
(617) 748-9057

June 8, 2005

Joseph Marion Head, Jr.
Reg. No. 17549-056
N-5 Cell 524
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

Dear Mr. Head:

I am returning the enclosed materials to you at this time because it is unclear whether you intended to file them in the district court or in an appeal pending before this court. This court is a court of appeals. Civil complaints should be filed in the district court. Further, it is unclear as to whether you are attempting to initiate an original proceeding in this court, and, if so, what sort of proceeding.

Sincerely,
Richard Cushing Donovan, Clerk

By:


Julie Gregg, Operations Manager

Enclosures U.S. D.Ct. Boston, Ma. Judge - Tasso.

Order The Clerk of Court of U.S. D.Ct. Boston, Ma.
To Make and Serve all Required Copies
of The Enclosed Complaints and send the
Plaintiff a Filed Copy of same.

Order J.M.C. Devens To Provide The Court
With a Copy of Plaintiff Trust Fund and
Court See Plaintiffs Prison and Court Records, For
Past 31 years as to the indigence of Plaintiff.
Appoint Plaintiff Counsel Hereto.

United States Court of Appeals for the
First Circuit, See Your Records, Re, [§]
To Joseph Marion Head junior hereof.

United States District Court
For the District of Massachusetts
Division Boston

Joseph Marion Head junior

Reg. No. 17549-056

Plaintiff vs

United States of America

And The Employees

Thereof, Liable Hereto,

Defendants

Case Number

Re, Case Number

4-98-CR-102

U.S. D. Ct. W. D. N.C.

Ash. Div.

Complaint
Jurisdiction

This is a civil rights act lawsuit
42 U.S.C. 1981, 1983, 1984, 1985(3), 1986,
28 U.S.C. 1331, 1341, 1342, 1343, 2201, 2202,
2255, 2241. Federal Rules Civil Procedure
Rule 57

Plaintiff

Plaintiff herein is Joseph Marion Head junior
Reg. Number 17549-056 who is
presently housed in N-5 Cell 524, Med. Medi
Center Devens, Located at Post office Box
879 - Ayer - Massachusetts - 02210
And is in the custody of David L. Winn
- Warden who is the Warden of a prison
and also in the custody of The United States
attorney General.

Defendants

Complaint Page No.(2)

Defendants herein is the United States of America and the Employees thereof liable relating hereto as determined by the Court relating hereto.

Plaintiffs Rights To Counsel Hereto

18 U.S.C. 30006 A and sub secs as Legally applies Hereto. And the United States Constitution Amendment 5,6,8,9,14 as may be applied relating hereto.

Plaintiffs Rights To A Liberal Construction Relating To All Pleadings Etc., Claims, Grounds, Etc. Relating Hereto.

Green (v3) United States, 260 F. 3d, 78, 83, (2d. Cir. 2001) and Haines (v3) Kerner, 404 U.S.C. 519, 520-21 (1972 per curiam)

The United States Court of Appeals For The Fourth Circuit Adjudged about Twenty Years Ago, That An indigent laymen at law proceeding pro se, is not required to prove his claims and grounds in advance of a full in court evidentiary hearing.

Complete Background of Plaintiff and His Court Cases Etc Relating thereto, as is as related and asserted within the prison and court records relating to Plaintiff herein, Prior, Present,

Complaint Page No (3)

The claim's and grounds herein is related and asserted by plaintiff him self pro se without the legal assistance of a person professionally trained in law and plaintiff is a laymen at law who has had no professional training in law. Therefore moves the court for a liberal construction in all matters etc relating herein and hereto this complaint and all filings relating thereto

Claim No. (1)

Plaintiffs federal sentences are illegal in that they are enhanced and upward departure and greater sentences, based on plaintiffs prior convictions which was unlawful or unconstitutional based on the related and asserted herein below,

(1)

The convictions was obtained in violation of the laws or constitution of the United States or the state of North Carolina as asserted within the court records relating to same prior hereto.

(2)

Violative of the Law, Constitution and the Rights of Plaintiff, Plaintiff Was Forced To Represent His own Self On August 1976 at the Retrial of mistrial which was a illegal, unconstitutional trial.

Complaint Page No. (4)

(3)

Violative of Law, Constitution and Plaintiffs Rights, Plaintiff was Denied A Continuance in August 1976 and Was Forced To Trial and Forced To Represent His own Self With Only a day and one half to prepare for trial in and plaintiff was in custody.

(4)

Violative of Law, Constitution and Plaintiffs Rights, The Trial Judge Bailey Failed To Inform Plaintiff of the Dangers and Disadvantages of Self Representation, Prior to Plaintiff Signing Waiver Form, Having To Choose Between Incompetent Counsel.

(5)

Violative of Law, Constitution and Plaintiffs Rights The D.A. Failed To Object To the Mistrial and Discharge of the jury At May 1975 Term of Court Re: 74CH 2403 State N.C. (V) Joseph Marion Head junior, Retrial of Mistrial Was Double jeopardy.

(6)

Plaintiff Did Not Consent To the Mistrial and Discharge of the Chosen jury, on May 1975 in Case State N.C. (V) Joseph Marion Head junior, Therefore Retrial of The Mistrial Was Double jeopardy And Plaintiff did not enter a plea nor chose jury.

(7)

See and Apply Etc. Each Prior Claim, Grounds, Errors, Motion, Etc. of Plaintiffs Within his prison and court Records Etc and records etc. relating thereto.

Complaint Page No. (5)

(2)

The Federal Sentencing Judge of Plaintiffs Criminal Case imposed the sentence without legal proof that Plaintiffs prior convictions was legal and valid and constitutional and final, prior to using same to the prejudice of Plaintiff to enhance this federal sentences and to give a greater sentence based on an upward departure. The Federal sentence is therefore illegal and was imposed in a illegal way, etc.. See Title 21 U.S.C. 851 and sub sec. s thereof. The burden of proof was not legally on Plaintiff relating to the aforesaid.

(3)

Failure of Plaintiff Trial Lawyer to timely file the aforesaid herein, in the District and Appeals Courts was ineffective assistance of counsel, See, Strickland v Washington 1984.

(4)

The Court could have corrected the aforesaid illegal sentences etc on the Courts own and did not do so. Why Not?

Relief Demanded To Be By Plaintiff

(1)

The maximum relief authorized by law etc. is demanded herein.

Signature, Joseph Marion Head Plaintiff - Plaintiff-rose.

(SP)

United States Federal Courts With
Legal jurisdiction Herein

158
f.c.
D.C.
1958
Joseph Marion Head junior, Reg. Number
17549-056, Plaintiff
VS

State of North Carolina and Employees
Thereof Liable Herein - Defendants

This Is A Civil Rights Act Law Suit
For An Unlawful Conviction In
The Case of State of North Carolina
(VS) Joseph Marion Head junior, Case
Number 74CR2403. This Complaint
Is To Be Filed Etc. In Forma Pauperis.
jurisdiction

The Courts Has Legal jurisdiction
Herein Pursuant To The Provisions
of Law And Constitution Which Legally
Applies Hereto And Which May Be
Legally Applied Hereto.

Plaintiff

Plaintiff herein is Joseph Marion
Head junior, Reg. Number 17549-056
who Is A Federal Prisoner of The
United States of America, who Is Presently
Housed In The Federal Medical Center
Davens, Located At - Post office Box 880
- Ayer - Massachusetts - Zip Code 01432.
And Is In The Custody of The Warden
Thereof and The United States Attorney General.

Page No. 2

Defendants

Defendants herein is the State of North Carolina And Employees Thereof Which Are Liable Herein and Relating Hereto.

Plaintiffs Rights To Counsel Herein Appointed By The Court, 18 U.S.C. 30006A and sub sec. s, United States Constitution Amendments Five, Six, Eight, Fourteen.

Plaintiffs Rights To A Liberal Construct Hereto And Herein And all Matter's Etc. Relating Hereto.

See United States Constitution, Amendment Five, Six, Eight, Fourteen, Etc. As Legally Applies Herein And Hereto. See Also Green VS United States, 260 F. 3d. 78, 83, (2d. Cir., 2001) and Haines VS Kerner, 404 U.S.C. 519 - 520 - 21 (1972 per curiam)

Complete Background of Plaintiff And His State And Federal Court Cases And all Known Records, Etc. And Information Relating Thereto, Prior And Present, As Related In Said Records Etc. And all Persons, Places And Things Relating Thereto And Hereto.

The Defendants V/s To State all of same In Their Response Hereto And Defense. The Court V/s To State all of same In its Opinions, Judgments And Orders Relating Hereto and as To Leave To Proceed Informa Pauperis

Further is to list and state each and all claims, grounds, errors, motions, etc. filed relating to each case etc. of plaintiff, to include institutional and medical records etc. and based on same aforesaid and etc relating thereto, Plaintiff Pro Se contends etc that His State and Federal Convictions and Sentences is Unlawful, illegal, unconstitutional and invalid. The Court is further referred to the aforesaid records etc. as to all prior relief and release demanded by Plaintiff, when, where, how, etc.. All of same is heretofore demanded again by Plaintiff hereof.

Wherefore The Court of Appeals For the First Circuit, Enter judgments and orders hereto relating to Plaintiff's cases etc. in the above court, as to same, set records of the Clerk of that and all other State and Federal Courts and Institutions, etc..

The Court make and serve a copy of this complaint, etc. to each defendant and etc. by law entitled to receive a filed copy of same, to include Plaintiff. Plaintiff is an indigent person, inmate and cannot do the aforesaid himself due to his indigence.

Signed, Joseph Marion Head junior, aforesaid June 1st, 2005.

RESPONSE TO INMATE REQUEST TO STAFF MEMBER

Head, Joseph Marion

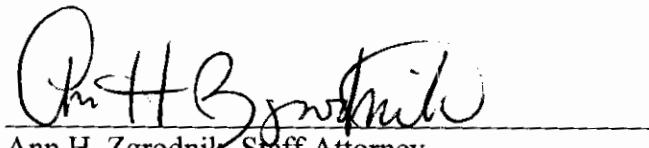
Reg. No. 17549-056

N-5 Unit - FMC Devens

This is in response to your Inmate Request to Staff, dated May 17, 2005, wherein you claim you have been deprived of your rights to appeal your § 4245 commitment. You also allege, you were not allowed to present evidence or to have a witness at the Due Process Hearing held on December 1, 2003. As relief, you request One Million Dollars tax free, to be released from custody and request a luxury estate worth atleast Ten Million Dollars.

As you have been previously informed in responses dated April 1, 2005 and May 12, 2005, you were transferred to FMC Devens on April 29, 2003 from FCI Beckley for mental health treatment. The Mental Health staff here at FMC Devens observed you and determined that you were suffering from a mental disease or defect which required treatment and care in a suitable facility. The United States subsequently filed a petition in the United States District Court for the District of Massachusetts for a hearing to determine the present mental condition of an imprisoned person pursuant to 18 U.S.C. § 4245. The hearing was conducted in accordance with 18 U.S.C. § 4247 (d). A court-appointed attorney was assigned to you. Dr. Thompson, Chief Psychiatrist, as well as a court-appointed psychiatrist, testified about their findings regarding your mental health. Following this hearing, you were committed to the custody of the Attorney General of the United States for treatment under 18 U.S.C. § 4245, pursuant to a court order dated November 17, 2003. A due process hearing was conducted on December 1, 2003, in accordance with the provisions set forth in 28 C.F.R. § 549.42, et seq, and Program Statement 6010.01, Administration and Safeguards for Psychiatric Treatment and Medication, § 8. You were then advised of your rights at the hearing. You had a staff representative present at the hearing. You did not call any witnesses. It was determined that you suffered from a mental disorder, which was dangerous to yourself and others. It was further decided that medication was necessary to treat your mental illness. Accordingly, you were medicated on December 9, 2003. If you wish to appeal your commitment under § 4245, you must do so through the proper procedures with the United States District Court for the District of Massachusetts.

I trust this information is responsive to your request.


Ann H. Zgrodnik, Staff Attorney

6/10/05

The staff representative was not of my choice and I tried to get him off of my case and was unable to do so. I did not waive rights to evidence, nor witnesses nor to testify and I was not afforded said rights. I want to appeal my 4245 commitment on all ground etc prior related to the courts and F.M.C. Devens and my prior State and Federal court cases. Appoint me counsel for Appeal Joseph Marion Head Junior 17549-056 (6-17-05)

BP-S148.055 INMATE REQUEST TO STAFF CDFRM *Zgrodnik - Staff Attorney*
 SEP 98
 U. S. DEPARTMENT OF JUSTICE *U. S. Attorney* M. J. Sullivan FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member)	DATE:
<i>Warden - Zgrodnik - Staff Att.</i>	<i>5-17-05</i>
FROM:	REGISTER NO.:
<i>Joseph Marion Head Jr.</i>	<i>17544-056</i>
WORK ASSIGNMENT:	UNIT:
<i>Ed. ORD.</i>	<i>N-5 cell 524</i>

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.) *Violations of Due Process and Other Rights, Etc.*

Inmate Head's rights was violated relating to the Due Process Hearing conducted Dec. 1, 2003 in F. M.C. Devens in that Head was not allowed to have or present evidence and witnesses in his favor and was removed from said hearing by force. Head was not effectively represented. Head was forced to appeal himself pro se and was not allowed to have representation on appeal to Warden, and was forced to represent his own self and was not provided a copy of all of his court and prison records. Head was not advised of any right to proceed after appeal.

(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Record Copy - File; Copy - Inmate
 (This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
 and BP-S148.070 APR 94



OVER

RESPONSE TO INMATE REQUEST TO STAFF MEMBER

Head, Joseph Marion

Reg. No. 17549-056

N-5 Unit

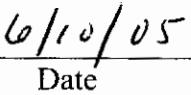
This is in response to your Inmate Request to Staff, dated May 17, 2005, wherein it appears that you are requesting me to do your legal research.

As stated in numerous previous responses, I am an attorney for the Bureau of Prisons, I do not serve as counsel for inmates. I am not permitted by the Department of Justice or by ethical rules to assist you in your legal matters. If you have specific questions pertaining to your Court case, please contact your attorney or the Court.

I trust this information is responsive to your request.



Ann H. Zgrodnik, Staff Attorney



Date

BP-S148.055 INMATE REQUEST TO STAFF CDFRM

Ljvodnik - Staff Attorney

SEP 98

U.S. DEPARTMENT OF JUSTICE

U.S. At. Sullivan

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member)	DATE:
Warden - Ljvodnik - At. for Staff	5-17-05
FROM: Joseph Marion Head Jr.	REGISTER NO.:
WORK ASSIGNMENT: Ed. ORD	UNIT: N-5 - 524

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

Mrs. Ljvodnik, I advise you to read the Law 28 U.S.C. 1343 and all laws relating to MISPRISION OF FELONY, Misfeasance, Malfeasance of Office
You should respond again to all my prior request. I sent same and my request to the Warden - Winn On 5-17-05.

Being a Lawyer, I assume you know your rights and mine.

See - Read

Records of My Appeals In 1st. Cir Ct App
and Petition For Rehearing Etc

(Do not write below this line)

DISPOSITION:

Signature Staff Member

Date

Joseph Marion Headjumis

17549-056

N-5 cell 524

J. M. C. Devers

P. O. Box 819

Ayer - Ma. 01432

~~U.S.~~
~~SCREEN~~

Judge - Lawyer

To: U.S. District Court
United States District Court
John Joseph Monahan U.S. Courthouse
Courthouse Way Suite 2300
Boston - ~~Massachusetts~~

Legal mail

Date mailed

6-17-05

6/21

20 JUN
2005